

**Notice of Allowability**

Application No.

09/887,855

Examiner

Rita Mitra

Applicant(s)

ANDERSON, DIRK M.

Art Unit

1653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/5/2005.
2. ☒ The allowed claim(s) is/are 34-41.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Status of the Claims***

Applicants' after final amendment and response filed on July 05, 2005 is acknowledged. Claims 1-13, 22 and 29 have been canceled. Claims 14 and 24 have been amended. Claims 22 and 29 have been withdrawn. Therefore, claims 14-21 and 23-28 are currently pending and are under examination.

### ***Response to Amendments and Remarks***

#### **Claim Rejections - 35 USC § 112, first paragraph**

Claims 30-33 are canceled thereby rendering the rejection moot. Rejection of claims 1, 4-14 and 19 are withdrawn in view of amendment to claims 1, 4, 13, 14 and 19.

#### **Claim Rejections - 35 USC § 112, first paragraph**

Claim 30 is canceled thereby rendering the rejection moot. Rejection of claims 14, 24 and dependent claims 15-21, 23, 25-28 and 31-33 are withdrawn in view of amendment to claims 14 and 24.

## ***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Lingenfelter on July 20, 2005.

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The application has been amended as follows:

IN THE CLAIMS:

Cancel claims 14-29 and add the following new claims.

Claim 34 (New). A method for screening for inhibitors of binding between an ss3939 polypeptide and a binding partner of said ss3939 polypeptide, the method comprising:

- a) providing an isolated soluble ss3939 polypeptide comprising the amino acid sequence selected from the group consisting of amino acids 22 through 227 of SEQ ID NO:2, amino acids 24 through 227 of SEQ ID NO:2, and amino acids 25 through 227 of SEQ ID NO:2;
- b) bringing said isolated soluble ss3939 polypeptide into contact with human umbilical vein endothelial cells in the presence of and in the absence of a test compound, wherein the binding partner of said ss3939 polypeptide is expressed by human umbilical vein endothelial cells, and wherein said isolated soluble ss3939 polypeptide binds to human umbilical vein endothelial cells; and
- c) determining if the binding of ss3939 to the human umbilical vein endothelial cells is inhibited by the test compound.

Claim 35 (New). The method of claim 34 wherein the binding partner of the ss3939 polypeptide comprises one or more polysaccharide moieties.

Claim 36 (New). The method of claim 34 wherein the soluble polypeptide comprises the amino acid sequence of amino acids 22 through 227 of SEQ ID NO: 2.

Claim 37 (New). The method of claim 34 wherein the soluble polypeptide is an oligomer.

Claim 38 (New). The method of claim 37 wherein the soluble polypeptide is a dimer.

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Claim 39 (New). The method of claim 34 wherein the soluble polypeptide comprises an Fc polypeptide.

Claim 40 (New). The method of claim 34 wherein the soluble polypeptide comprises a leucine zipper.

Claim 41 (New). The method of claim 34 wherein the method comprises providing the polypeptide *in vitro*.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest a method for screening for inhibitors of binding between an ss3939 polypeptide and a binding partner of said ss3939 polypeptide, the method comprising:

- a) providing an isolated soluble ss3939 polypeptide comprising the amino acid sequence selected from the group consisting of amino acids 22 through 227 of SEQ ID NO:2, amino acids 24 through 227 of SEQ ID NO:2, and amino acids 25 through 227 of SEQ ID NO:2;
- b) bringing said isolated soluble ss3939 polypeptide into contact with human umbilical vein endothelial cells in the presence of and in the absence of a test compound, wherein the binding partner of said ss3939 polypeptide is expressed by human umbilical vein endothelial cells, and wherein said isolated soluble ss3939 polypeptide binds to human umbilical vein endothelial cells; and
- c) determining if the binding of ss3939 to the human umbilical vein endothelial cells is inhibited by the test compound.

Therefore the claims are allowable over the art of record.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

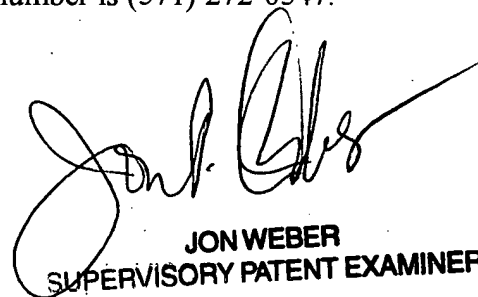
Claims 34-41 are allowed.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rita Mitra whose telephone number is (571) 272-0954. The Examiner can normally be reached from 9:30 a.m. to 6:30 p.m. on weekdays. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Jon Weber, can be reached at (571) 272-0925. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Fax Center number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0547.



Rita Mitra, Ph.D.  
July 22, 2005



**JON WEBER**  
SUPERVISORY PATENT EXAMINER